

# **KANSAS ENVIRONMENTAL NEWS**

## **APRIL, 2002**



### **Secretary's Corner**

*Clyde D. Graeber*

This time of year, KDHE is soliciting applications for Pollution Prevention awards. The P2 Awards Program was established in 1993 to recognize businesses, communities, individuals, schools, community organizations, or any entity who significantly reduces the generation of wastes, conserves energy or water. The Award application is straightforward outline to help describe a project or activity, with appropriate details so that we can recognize those who have incorporated pollution prevention practices in their daily lives or work environment.

"Pollution Prevention" is defined as any plan, practice or habit that reduces the generation of pollutants and wastes. P2 focuses on ways to avoid producing air emissions, waste discharges or land disposals and includes energy and water conservation.

There are several categories of recognition. Education/communication is a broad based category including any of a number of initiatives - perhaps in community, school, or business. The "New Initiatives" category generally includes businesses, industries or communities who decide to incorporate a new plan to reduce pollution. "New Technologies" includes new methodologies for process or procedures to reduce pollution, and may include the development of "clean" processes. Cooperative Efforts focuses on joint efforts of two or more groups to bring about partnerships in preventing pollution. A new category this year, Special Projects, creates a new avenue for those applications which may not fit into the above categories, or that were developed as

part of a Supplemental Environmental Project (SEP.)

The Pollution Prevention Pledge is perfect for families, community groups or individuals who want to commit to a lifestyle of preventing pollution. Anyone who signs the pledge may request a certificate to remind them of their commitment.

P2 Awards are not competitive but carefully judged based on their merit. I will personally present this year's award winners with a plaque at the Pollution Prevention Awards Luncheon on August 27.

I encourage you to submit your project or program which has significantly reduced the generation of pollutants.

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## **Solid Waste Legislation in 2002**

The 2002 Legislative Session has been actively considering several solid waste issues. Some bills have received little attention whereas others have resulted in heated debates before legislative committees. Two bills related to the operation of construction and demolition (C & D) landfills (HB 2703 and HB 2738) have been the most controversial because of the lobbying efforts of a small group of landfill owners from Johnson County. All solid waste bills are listed and explained below:

### **Passed in the House**

- HB 2686** An industry bill to establish new solid waste fees for on-site industrial landfills.
- HB 2703** A KDHE bill to establish a new class of C & D landfill able to dispose of some wastes commonly generated at construction or demolition sites which are presently prohibited from disposal in existing C & D landfills (e.g. chemical containers, furniture, appliances, friable asbestos). This new class of landfill would be subject to additional design and operating standards to be established in regulations. Existing C & D landfills would be allowed to receive small amounts of trash generated by on-site food and drink consumption.
- HB 2704** A KDHE bill which clarifies county and regional solid waste planning requirements.

### **Killed by the House**

- HB 2705** A KDHE bill which establishes a new requirement for reporting waste diversion activities including the collection, processing, and use of recyclable or compostable materials.
- HB 2738** An industry bill to broaden the definition of C & D waste thereby allowing the disposal of chemical containers, caulking tubes, furniture, and appliances in existing C & D landfills. KDHE strongly opposed the bill because the broadened definition for C & D waste would trigger federal landfill standards for all C & D landfills and it would cause environmental impacts by allowing hazardous constituents in landfills which have no liners or groundwater monitoring.
- HB 2915** A legislator's bill which directs KDHE to become involved in regional and national "product stewardship" discussions and initiatives. The bill authorizes KDHE to enter into a contract with a private recycling association to help implement product stewardship principles in Kansas.
- HB 3002** A private solid waste company bill to restrict the actions of a municipality to establish franchised solid waste collection services.

*Bill Bider, Bureau of Waste Management*

**KDHE REGULATIONS IN PROCESS**

REGULATION	DIV. DRAFT	EPA REVIEW	DOA REVIEW	AG REVIEW	update 3/18/02 PUBLIC HEARING	EFFECTIVE
<u>Waste Management</u>						
Tires, Insurance, PCBs	9/01	NA	11/01	11/01	1/02	*3/01
Haz. Waste Update(A)	7/01	7/01	*3/02	*4/02	*6/02	*8/02
Special Waste	*3/02	N/A	*4/02	*5/02	*7/02	*9/02
Groundwater	*4/02	*5/02	*5/02	*6/02	*8/02	*10/02
Permits	*4/02	*5/02	*5/02	*6/02	*8/02	*10/02
Construction Quality Assurance	*5/02	N/A	*6/02	*7/02	*9/02	*11/02
Construction Demo(N)	*7/02	N/A	*8/02	*9/02	*11/02	*1/03
Vertical Expansion (A)	*7/02	N/A	*8/02	*9/02	*11/02	*1/03
SW Planning(A)	*8/02	N/A	*9/02	*10/02	*12/02	*2/03
Medical Waste	*9/02	N/A	*10/02	*11/02	*1/03	*3/03
<u>Air and Radiation:</u>						
50% Permit-by-Rule(A)	3/02		3/02	*3/02	*6/02	*7/02
Acid Rain Permits(A)	*4/02		*5/02	*5/02	*8/02	*9/02
Acid Rain NOx(N)	*4/02		*5/02	*5/02	*8/02	*9/02
Opacity Rule(A)	*4/02		*5/02	*5/02	*8/02	*9/02
Update Stds(NSPS, MA)	*4/02		*5/02	*5/02	*8/02	*9/02
MSWLF EG Rules (A)	*6/02		*7/02	*7/02	*9/02	*10/02
Solvent Metal Cleaning(A)	2/02		3/02	3/02	*5/21/02	*6/02
Consolidated Air Rule (N)	*5/02		*6/02	*6/02	*9/02	*10/02
Definitions (A)	*4/02		*4/02	*5/02	*8/02	*9/02
PSD Rules (R)(N)	3/02		3/03	*3/02	*6/02	*7/02
<u>Water</u>						
Surface Water Quality Stds(A)	12/01	*9/02	12/01	12/01	07/02	08/02
New(N), Amended(A), Revoked(R)						

**World Asthma Day May 7**

May 7 has been designated as World Asthma Day. Established in 1999 by the Global Initiative for Asthma as a joint project between the National Heart, Lung and Blood Institute at the National Institutes of Health, and the World Health Organization, World Asthma Day encourages asthma education events during May--Asthma Awareness Month--to raise awareness about indoor and outdoor pollutants that trigger asthma episodes, and how to avoid them as part of a comprehensive asthma management plan. Several events across the nation have been scheduled, including the Greater KC Asthma and Allergy Foundation's launch of Year Two of their Asthma Awareness Campaign. Watch your local media for events near you.

## General Stormwater Permit

The Bureau of Water, Industrial Programs Section has revised and, on January 18, 2002, reissued the General Permit to Discharge Stormwater Runoff from Construction Activities. Significant revisions were made to the previous construction stormwater general permit to incorporate the EPA Phase II requirements for stormwater discharges from construction activities, and streamline the discharge authorization process. As in the previous construction stormwater general permit, this new general permit continues to implement the Federal Water Pollution Control statutes and regulations to permit discharges of stormwater runoff from construction sites and to protect the waters of the state from sediment migration and contamination.

The new construction stormwater general NPDES permit, the new Notice of Intent for Construction Activities, the Rainfall Erosivity Waiver application, and other forms are available on-line at: <http://www.kdhe.state.ks.us/stormwater>

In accordance with the EPA Phase I stormwater requirements, coverage under this new general permit will provide owners or operators of large construction activities authorization to discharge construction stormwater runoff. Large construction activities are those which disturb five or more acres of land, or are part of a larger common plan of development or sale which disturb a cumulative total area of five or more acres. To be authorized by KDHE to discharge under the new general permit, an acceptable Notice of Intent for Construction Activities form must be submitted accompanied by a project area map, an erosion control plan, a detailed site plan showing the location of erosion control measures, and the permit fee. Coverage under the new construction stormwater general permit is provided when the owner or operator receives an authorization to discharge from KDHE.

In accordance with the EPA Phase II stormwater requirements, owners or operators of small construction activities that will be in progress, or will begin, on or after March 10, 2003 must also have an authorization to discharge construction stormwater runoff. Small construction activities are those which disturb one acre or more, and less than five acres, or are part of a larger common plan of development or sale which disturbs a cumulative total area of one acre or more, and less than five acres. Owners or operators of small construction activities which have a short duration of construction during the dry season when the potential for erosion is low may instead apply for a waiver of the permitting requirements using the Rainfall Erosivity Waiver application.

Owners or operators of construction activities which disturb less than one acre (<1.0 acres) may be required to obtain an NPDES permit if KDHE determines the proposed construction activity is, or will, result in a violation of state water quality standards.

Most municipalities are presently exempt from the general NPDES permit requirements for discharging stormwater runoff from large or small construction activities. On or after March 10, 2003, all municipalities or Municipal Separate Storm Sewer System (MS4) operators engaged in large or small construction activities must obtain authorization to discharge stormwater runoff from construction activities under this general NPDES permit.

The primary requirement of the construction stormwater general permit is to develop and maintain a site specific Stormwater Pollution Prevention Plan, (SWP3) for each construction project. Prior to disturbing the soil or removing vegetation the SWP3 needs to be prepared and available for implementation immediately upon commencing construction. Although a detailed site plan showing erosion control

(continued from page 4) practices needs to be submitted with the NOI, a copy of the entire SWP3 does not have to be provided to KDHE unless requested. The SWP3 must be maintained on-site or in a readily available location for use by contractors or others. All contractors and/or subcontractors working on the site must certify that each one understands the terms and conditions of the SWP3. The terms and conditions of the construction stormwater general permit, and therefore the SWP3, are enforceable under State law.

Hard copies of the construction stormwater general permit, and other relevant materials can also be obtained by writing KDHE. For more information, please contact Alan W. Brooks, P.E. at [abrooks@kdhe.state.ks.us](mailto:abrooks@kdhe.state.ks.us), or (785) 296-5549.

*Alan Brooks, P.E., Bureau of Water*

## **The Surface Water Assessment Program**

The Kansas Department of Health and Environment (KDHE), Watershed Management Section, is starting to implement the Kansas Source Water Assessment Program (SWAP). This program was mandated by the 1996 Amendments to the Safe Drinking Water Act. These amendments require all states to develop and implement a Source Water Assessment Program or "SWAP". The purpose of the Surface Water Assessment Program is to 1.) identify potential sources of drinking water contamination and 2.) provide a greater focus on pollution prevention as an approach to ensuring safe drinking water. It can be difficult and extremely costly to remediate drinking water sources once they are contaminated. Thus, local resources should focus on preventing contamination from occurring, which helps to protect capital investments. The SWAP plan is also intended to enhance public information and participation efforts to protect drinking water resources.

The main component of this program is the Source Water Assessment (SWA). SWAs identify potential threats to drinking water sources and forms the foundation for any future source water protection planning efforts. Each state is required to develop a Source Water Assessment for every public water supply that treats and distributes raw source water. A Source Water Assessment includes: defining the source water assessment area; conducting an inventory of all potential pollution sources; completing a susceptibility analysis; and providing public information about the assessment. In Kansas there are approximately 807 public water supplies, which require a Source Water Assessment. According to the Environmental Protection Agency, Kansas must have these assessments completed by June 2004.

To aide KDHE in meeting the June 2004 deadline, KDHE has contracted with Burns & McDonnell to help implement the Kansas SWAP plan. Burns & McDonnell will be completing a variety of public water supply recruitment and training tasks. This is an important aspect of the program as the Kansas SWAP plan encourages public water supplies to "partner" with KDHE to complete local Surface Water Assessments. These "Partnering" public water supplies will be asked to assemble a local SWA committee that will provide local input into the SWA process.

In addition, Burns and McDonnell will also develop an internet based source water assessment tool that will be used to create local SWAs. This tool will expedite the SWA process and will be located on a SWAP website. The website and tool will be available to the public in the Spring of 2002. If you have further questions or would like to participate in the Surface Water Assessment Program please contact Rob Beilfuss with the Kansas Department of Health and Environment, 785-296-5535 / [rbeilfus@kdhe.state.ks.us](mailto:rbeilfus@kdhe.state.ks.us).

*Rob Beilfuss, Bureau of Water*

## ION EXCHANGE TO TREAT CHROMIUM CONTAMINATED GROUNDWATER

EPA and KDHE are working to design and implement a groundwater treatment system that will remediate chromium contaminated groundwater near the Ace Services Superfund site in Colby, Kansas. Construction of the system is scheduled to begin in 2002 and should be completed by 2003.

The contaminated groundwater plume is approximately 5,200 feet long and 1,400 feet wide and the saturated thickness is about 130 feet. Concentrations of hexavalent chromium in groundwater have exceeded 4,000 ug/L. One nearby resident's well is contaminated with hexavalent chromium in excess of 100 ug/L. Bottled water has been provided to the affected resident, and plans are underway to supply nine other threatened households with potable water from the City of Colby's public water supply. The Bureau of Environmental Remediation's State Water Plan Program has taken responsibility of installing the new water line for the residents affected by the contamination.

Ace Services was a chrome plating facility that operated from the early 1950's to 1989, and is now bankrupt. The Ace Services site was discovered in 1971 as a result of a complaint from a citizen of Colby regarding waste discharge from the Ace Services facility. The State investigated and found that Ace Services was discharging wastewater from their plating process to the nearby Prairie Dog Creek instead of the municipal treatment plant as required. EPA sampled wastewater from Ace Services and found the concentration of chromium to be 21,000 ug/L. Ace Services then began discharging wastes to a lagoon constructed under a water pollution permit. The lagoon was constructed without a liner and thus resulted in contamination of the groundwater. A City of Colby water supply well was found

to be contaminated in 1980 and had to be shut down.

Initial efforts to contain the contamination failed. Ace Services conducted a removal of sludge from the lagoon in 1981. A recovery well was drilled in 1980 and was pumped until 1988. KDHE gained access to the site in 1992 through a court order and removed most of the hazardous liquid and solid wastes inside the facility. EPA completed a removal action in 1994 which involved removing dust from building interiors, excavation of a concrete trough and underlying soil, demolition of the wastewater treatment building and stabilization and treatment of the lagoon soil.

EPA added the site to the NPL in September 1995. The final Remedial Investigation Report and Risk Assessment reports were completed in 1998. Remediation of contaminated buildings was completed by EPA in 1999. Annual monitoring well sampling involving residential wells discovered additional contamination above the MCL in a residential well almost one mile from the facility. Additional wells were installed and sampled to better define the extent of the plume. Analytical results indicated that the plume was 2 to 3 times larger than originally anticipated. EPA's consultant suggested that the remedy for the site be changed to an ion exchange system with an increased capacity of up to 1,000 gpm.

The remedial design for the groundwater treatment system will allow the treated water to be re-used by the City of Colby. After treatment, the water will be pumped from the groundwater treatment system and into the City of Colby's water distribution system to be used for domestic purposes. KDHE's Bureau of Environmental Remediation, Bureau of Water, and EPA

(continued from page 6) have worked together to design a system that safely re-uses the treated water for beneficial purposes. The groundwater treatment system is expected to operate for at least ten years. EPA plans to operate the remedial system for the first ten years. KDHE will evaluate the system's efficiency at the end of ten years and determine whether the system should continue to operate. Re-use of the treated water will be beneficial to the City of Colby and make the remedy acceptable to all concerned parties.

*Cynthia Randall, LG., Bureau of Environmental Remediation*

## **WORKS! 2002**

More than 200 people participated in the 8th annual **Recycling and Composting WORKS! Conference** at Emporia State University, Emporia, Kansas during the third week of March. Tuesday's pre conference training featured a record six sessions recycling, composting, source reduction, compost utilization and improving local programs.

The conference began with three short keynote presentations by national and regional presenters on construction demolition recycling, national compost trends and new accounting and pricing programs for solid waste disposal and recycling services. Later concurrent sessions dealt with these topics plus the reuse revolution including material exchanges, disaster management planning, wood waste recycling and the Keep Kansas Beautiful program. There were numerous exhibitors and sunny skies and warm temperatures prevailed for the composting and wood utilization demonstrations featuring wood grinders, compost turners, mixers, diggers, a bio digester and portable saw mill and tours of the local recycling facility on Wednesday afternoon.

Wednesday evening activities included a dinner and entertainment by Dr. Jim Hoy of Emporia State University sharing the true stories about Kansas cowboys and the prairies in poetry and song. The WORKS! Conference ended Thursday with recycling, composting and grant roundtables; a town hall meeting with Bureau of Waste Management Director Bill Bider and presentations of partnership awards to the City of Emporia, the Flint Hills RC&D and Lane's Recycling of Ulysses, Kansas.

Next year's Kansas Solid Waste Management conference is scheduled for March 18-20, 2003 at Southwestern College in Winfield, Kansas.

*Kent Foerster, Bureau of Waste Management*

**Be sure to attend this year's Environmental Conference,  
Kansas Environment: Focus on the Future  
August 27-28, 2002  
Capital Plaza Hotel, Topeka, Kansas**

**Bureau of Environmental Field Services  
Kansas Department of Health and Environment  
Charles Curtis Office Building  
1000 SW Jackson Street, Suite 430  
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